

May 13, 2009



U.S. Department
of Transportation

East Building, PHH-30
1200 New Jersey Avenue S.E.
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 4661
(FOURTEENTH REVISION)

EXPIRATION DATE: December 31, 2009

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Chemetall Foote Corporation
Kings Mountain, NC
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the transportation in commerce of those hazardous materials specified in paragraph 6. below in 4BA240 and 4BW240 cylinders which have been tested and inspected using alternative retest procedures. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein. The most recent revision supersedes all previous revisions.
 - b. The safety analyses performed in development of this special permit only considered the hazards and risks associated with transportation in commerce.
 - c. Party status will not be granted to this special permit.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR §§ 180.205(b), (c), (f) and (g); 180.209(a) and 180.213 in that an alternative test and inspection procedure is authorized in place of the prescribed internal visual inspection and pressure retest, and that marking with a retester's identification number is not required.

5. BASIS: This special permit is based on the Pipeline and Hazardous Materials Safety Administration's (PHMSA) editorial review under § 107.121 initiated on December 4, 2008 and additional information from Chemetall Foote Corporation dated May 12, 2009.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Flammable liquids, n.o.s.*	3	UN1993	I, II
Flammable liquids, corrosive, n.o.s.*	3	UN2924	I, II
Lithium alkyls	4.2	UN2445	I
Organometallic compound or Compound solution or Compound dispersion, water-reactive, flammable, n.o.s.*	4.3	UN3207	I
Organometallic substance, liquid, water-reactive, flammable*	4.3	UN3399	I
Organometallic substance, liquid, pyrophoric, water-reactive*	4.2	UN3394	I

* Technical name required

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packagings are 4BA240 and 4BW240 cylinders which may be retested with hexane or nitrogen at one and one-half times the highest charging pressure and retest/inspection dates marked, in accordance with the procedures described in the letters from Chemetall Foote Corporation dated March 20 and April 13, 2000 instead of the internal visual inspection and pressure retest specified in §§ 180.205(f) and (g) and the marking prescribed in

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§ 180.213. External visual inspection must be conducted at least once every five years in order to determine if any possible other shell failures are evident in accordance with the criteria in CGA pamphlet C-6 (1993 edition).

b. OPERATIONAL CONTROLS -

(1) Cylinders that are requalified in accordance with this special permit must be used exclusively for the materials listed in paragraph 6 above.

(2) A retester's identification number is not required if the alternate test using hexane or nitrogen is used, or when visually inspected as authorized by this special permit.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this special permit who receives a package covered by this special permit may reoffer it for transportation provided no modification or change is made to the package and it is reoffered for transportation in conformance with this special permit and the HMR.

b. A current copy of this special permit must be maintained at each facility where the package is offered or reoffered for transportation.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight and cargo vessel.

10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each cargo vessel used to transport packages covered by this special permit.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

- o All terms and conditions prescribed in this special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.

- o Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this special permit, including display of its number, when this special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)- 'The Hazardous Materials Safety and Security Reauthorization Act of 2005' (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term "exemption" to "special permit" and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this exemption are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this exemption must notify the Associate Administrator for Hazardous Materials Safety, in writing, of any incident involving a package, shipment or operation conducted under terms of this exemption.

Issued in Washington, D.C.:



for Theodore L. Willke
Associate Administrator for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, D.C. 20590. Attention: PHH-31.

Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: MT/AM/sln